

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America)

v.)

Herminio Velasquez-Lopez) Case No.

a/k/a Juan Hernandez-Cotto) 23-MJ-962

a/k/a Manuel Gilberto Garcia Morales)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 5, 2023 in the county of Philadelphia in the
Eastern District of Pennsylvania, the defendant(s) violated:

*Code Section**Offense Description*

8 U.S.C. Section 1326(a), (b)(1)

On or about May 5, 2023, in Philadelphia County, in the Eastern District of Pennsylvania, defendant Herminio Velasquez-Lopez, an alien, and citizen and native of the Dominican Republic, who had previously been deported from the United States on or about February 4, 2014 and on or about August 7, 2018, was found in the United States, having knowingly and unlawfully re-entered the United States without first applying to the Attorney General of the United States or his successor, the Secretary for Homeland Security, for permission to reapply for admission.

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.


Complainant's signature

Camilo Pena Medina, Deportation Officer, ICE

Printed name and title

Sworn to before me and signed in my presence.

Date: May 10, 2023

/s/ David R. Strawbridge

Judge's signature

City and state: Philadelphia, PA

Hon. David R. Strawbridge, U.S. Mag. Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

1. I, Camilo Pena Medina, am a Deportation Officer at U.S. Immigration and Customs Enforcement (“ICE”) within the U.S. Department of Homeland Security (“DHS”). I have served as a Deportation Officer with ICE since September 28, 2015. As a Deportation Officer, I conduct investigations related to violations of the Immigration and Nationality Act, specifically those related to foreign-born nationals who have been deported from the United States and subsequently re-entered the United States without legal permission. I am currently assigned to the ICE Enforcement and Removal Operations Philadelphia, Pennsylvania Field Office, and my duties include investigating violations of Title 8 of the United States Code, including violations of immigration offenses.

2. I have prepared this affidavit in support of a criminal complaint against Herminio VELASQUEZ-LOPEZ a/k/a Juan Hernandez-Cotto a/k/a Manuel Gilberto Garcia Morales (“VELASQUEZ-LOPEZ”) because there is probable cause to believe that VELASQUEZ-LOPEZ, an alien, that is a non-citizen of the United States, re-entered the United States after removal, in violation of 8 U.S.C. § 1326(a), (b)(1).

3. This affidavit is based on information I obtained from my personal observations, witness interviews, my training and experience, review of documentary evidence, and information provided to me by other members of the investigation. Because this affidavit is submitted only for the limited purpose of establishing probable cause for a criminal complaint and arrest warrant, it does not include all information known to the government as a result of the investigation.

PROBABLE CAUSE

4. On January 12, 2023, a reliable confidential source contacted law enforcement and provided information about an individual the source knew as Herminio VELASQUEZ-

LOPEZ. The source provided a photograph of VELASQUEZ-LOPEZ and information about his residence, near 4th and Champlost Street in Philadelphia, Pennsylvania. The source indicated that VELASQUEZ-LOPEZ was driving a white van that was normally parked on 4th and Champlost.

5. On January 12, 2023, I conducted a check in the National Crime Information Center (“NCIC”) database for VELASQUEZ-LOPEZ’s criminal history and immigration history and learned, as detailed below, that he was not a United States citizen and had previously been removed from the United States.

6. On May 5, 2023, at approximately 9:45 am, I arrived at 4th and Champlost Street in Philadelphia where I observed a White Dodge Caravan with Pennsylvania tag LNG-6661 (the “Dodge”) parked on the corner of 4th and Champlost Street. The vehicle matched the description provided by the source. At approximately 10:02 a.m., I observed a male walking on the sidewalk towards the Dodge. His appearance matched a photograph of VELASQUEZ-LOPEZ from an interaction with ICE in 2018. The male got into the Dodge, at which point he was apprehended by law enforcement.

7. Twice, at the time of his arrest, when asked his name, the man responded “Manuel Gilberto Garcia Morales.” There were several identification cards in his possession with this name. However, the man admitted that when his fingerprints were put into a law enforcement database the name Herminio VELASQUEZ-LOPEZ would appear. Officers believed that this was in fact VELASQUEZ-LOPEZ based on this admission and on photographs previously taken of VELASQUEZ-LOPEZ.

8. Once he was taken into law enforcement custody, VELASQUEZ-LOPEZ’s fingerprints were taken. Those prints showed that he was the same individual who had previously been removed twice under the name VELASQUEZ-LOPEZ and who had been

convicted in the Pennsylvania Court of Common Pleas under the name Juan Hernandez Cotto, as discussed in detail below.

9. Based on my training and experience, I know that ICE maintains a file on all aliens encountered by ICE. This file, known as the Alien File (“A File”), contains documentation relating to the alien, including his/her photograph, warrants of deportation, fingerprints, documents reflecting criminal history, documents reflecting the country of citizenship, and other documents. Each alien is assigned an identification number, referred to as the “Alien Number.” A search of ICE databases based on VELASQUEZ-LOPEZ’s name, address, and date of birth revealed that VELASQUEZ-LOPEZ has been assigned Alien Number 201 111 418.

10. A thorough review of DHS’s databases and VELASQUEZ-LOPEZ’s A File show the following:


- a. VELASQUEZ-LOPEZ is a citizen and national of the Dominican Republic. He is not a citizen of the United States.
- b. VELASQUEZ-LOPEZ entered the United States on an unknown date at an unknown place on or prior to March 7, 2005.
- c. On March 7, 2005, VELASQUEZ-LOPEZ was arrested by the Philadelphia Police Department for controlled substance-related offenses. At the time of this arrest, VELASQUEZ-LOPEZ stated his name was Juan Hernandez Cotto. Law enforcement determined that the individual arrested that day was VELASQUEZ-LOPEZ based on his fingerprints. VELASQUEZ-LOPEZ was later convicted in the Pennsylvania Court of Common Pleas of Manufacturing, Delivery, or Possession with Intent to Manufacture or Deliver a Controlled Substance. He was sentenced to 3 to 10 years’ incarceration.

- d. On February 24, 2011, VELASQUEZ-LOPEZ was issued an Administrative Removal by ICE Officers pursuant to the Immigration and Nationality Act, as amended.
- e. On January 7, 2014, VELASQUEZ-LOPEZ was ordered removed.
- f. On February 4, 2014, VELASQUEZ-LOPEZ was removed from the United States. Immigration officials executed a Form I-205, Warrant of Removal/Deportation in connection with VELASQUEZ-LOPEZ's removal and it contains his name, alien number, signature, and fingerprint. The I-205 is also signed by the immigration officer who fingerprinted VELASQUEZ-LOPEZ and the official who witnessed the departure. An immigration official also served VELASQUEZ-LOPEZ with a I-294, Warning to Alien Ordered Removed or Deported that contained the following warnings: (1) he was required to request and obtain permission from the Attorney General to reapply for admission to the United States following his removal; and (2) re-entry without such approval was a crime under 8 U.S.C. § 1326(a) and punishable by two to twenty years' imprisonment.
- g. On May 16, 2014, VELASQUEZ-LOPEZ was apprehended by United States Border Patrol at the United States border in Laredo, Texas. He was served a Notice of Intent/Decision to Reinstate Order.
- h. On August 13, 2014, VELASQUEZ-LOPEZ pled guilty to reentry of a deported alien subsequent to conviction of an aggravated felony, in violation of 8 U.S.C. § 1326(a), (b)(2) in the Southern District of Texas (14-CR-518). He was sentenced to 57 months of incarceration followed by 3 years of supervised release. The judgment indicated that he was not to return to the United States illegally.

- i. On July 12, 2018, VELASQUEZ-LOPEZ was ordered removed.
- j. On August 7, 2018, VELASQUEZ-LOPEZ was removed from the United States. Immigration officials executed a Form I-205, Warrant of Removal/Deportation in connection with VELASQUEZ-LOPEZ's removal and it contains his name, alien number, signature, and fingerprint. The I-205 is also signed by the immigration officer who fingerprinted VELASQUEZ-LOPEZ and the official who witnessed the departure.
- k. VELASQUEZ-LOPEZ did not seek permission of the United States Attorney General, or his successor, the Secretary of Homeland Security, for permission to reply for admission to the United States after removal or deportation. VELASQUEZ-LOPEZ has no known applications or petitions pending with the United States Citizenship and Immigration Services that would allow him to be present in the United States legally.

CONCLUSION

11. Based on the foregoing, there is probable cause that VELASQUEZ-LOPEZ has re-entered the United States without authorization following removal, in violation of 8 U.S.C. § 1326(a), (b)(1). I respectfully request that the Court issue a warrant ordering his arrest for that crime.


Camilo Pena Medina
Deportation Officer
Immigration and Customs Enforcement

Subscribed to and sworn to before me in my presence this ___10th___ day of May 2023.

/s/ David R. Strawbridge
HONORABLE DAVID R. STRAWBRIDGE
United States Magistrate Judge